

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

CRP.No. 963 of 2007()

**AGAINST THE ORDER DATED 17/02/2007 IN IA.10108/06 IN
OS.186/2006 of PRL.M.C.,ERNAKULAM**
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REVN. PETITIONER: PLAINTIFF:

**THOMAS P.JOHN, AGED 52 YEARS,
PARAYIL HOUSE, MAMALA POST, THIRUVANIYOOR VILLAGE,
ERNAKULAM DISTRICT.**

**BY ADV. SRI.P.M.SEBASTIAN
SRI.MOUNEESH M.R.**

RESPONDENTS: DEFENDANTS:

- 1. GEOJIT FINANCIAL SERVICE LTD.,
FINANCE TOWERS, KALOOR, KOCHI-17.**
- 2. M/S. KARVY CONSULTANTS LTD.,
UNIT RELIANCE CAPITAL LTD., FORFEITURE CELL,
KARVY HOUSE, 46, ROAD NO.IV, BANJARA HILLS,
HYDERABAD-500034.**
- 3. RELIANCE CAPITAL LIMITED,
AVDESH HOUSE, IIND FLOOR, PRITAM NAGAR,1ST SLOPE,
ELISBRIDGE, AHAMMEDABAD-380006.**

BY

**THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

M.N. KRISHNAN, J.

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C.R.P. NO. 963 OF 2007

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Dated this the 13th day of November, 2007.

O R D E R

This revision petition is preferred against the order of the Principal Munsiff, Ernakulam in I.A.10108/06 in O.S.186/06. The suit was dismissed for not taking steps and an application was filed under Order 9 Rule 4. A perusal of the order would reveal that steps were directed to be taken and it was cured but on the date when the case was posted it is stated that there was no proper representation. It is denied by the writ petitioner. The Court below itself found that from the factual back ground it appears that this is a fit case to allow the application as prayed but later on found that the suit may not be maintainable in the light of an arbitration clause. I feel while considering the application under Order 9 Rule 4, the Court should not have considered the same but if there are grounds should have allowed it and thereafter after hearing both sides decide to proceed with the matter in accordance with law. Therefore, the order under challenge is set aside and I.A.10108/06 is allowed and the

learned Munsiff is directed to restore the suit back to file, give sufficient time for completing the steps and then decide the matter and proceed in accordance with law. Since I am disposing of the matter at the admission stage itself the Court shall give notice to the persons who had already entered appearance through their counsel.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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